

105TH CONGRESS  
1ST SESSION

# H. R. 2786

To authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 1997

Mr. WELDON of Pennsylvania (for himself, Mr. PICKETT, Ms. HARMAN, Mr. BATEMAN, Mr. BARTLETT of Maryland, Mr. MEEHAN, Mr. HOSTETTLER, Mr. BONO, Mr. GIBBONS, Mr. WATTS of Oklahoma, Mr. CRAMER, Mr. PAPPAS, Mr. RILEY, Mr. ABERCROMBIE, Mr. LoBIONDO, Mr. SPENCE, Mrs. FOWLER, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. CHAMBLISS, Mr. ORTIZ, Mr. HEFLEY, Mr. JONES, Mr. LEWIS of Kentucky, Mr. GILMAN, Mr. HUNTER, Mr. SOLOMON, Mr. McHALE, Mr. SKELTON, Mr. FOX of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. McKEON, Mr. REYES, Mr. NETHERCUTT, Mr. COBLE, Mr. SMITH of New Jersey, Mr. McHUGH, Mr. BUYER, Mr. STUMP, Mr. COX of California, Mr. SHADEGG, Mr. GALLEGLY, Mr. SAXTON, Mr. TURNER, Mr. BLAGOJEVICH, Mr. ANDREWS, Mr. RYUN, Mr. MURTHA, Mr. TALENT, Mr. WICKER, Mr. SCARBOROUGH, Mr. DUNCAN, Mr. HASTERT, Mr. BILIRAKIS, Mr. HASTINGS of Washington, Mr. GREENWOOD, Mr. SKEEN, Mr. PITTS, Mr. GILCHREST, Mr. HOLDEN, Mr. GOSS, Mr. LAZIO of New York, Mr. RODRIGUEZ, Mr. HANSEN, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. COYNE, Mr. MILLER of Florida, Mr. COLLINS, Mr. CANADY of Florida, Mr. PACKARD, Mr. BARTON of Texas, Mr. CALVERT, Mr. LEWIS of California, Mr. HAYWORTH, Mr. McCRERY, Mr. COMBEST, Mr. KING, Mr. UNDERWOOD, Mr. SESSIONS, Mr. WELLER, Mr. EHRLICH, Mr. BUNNING, Mr. BALLENGER, Mr. DREIER, Mr. BILBRAY, Mr. DIAZ-BALART, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. DICKS, Mr. METCALF, Ms. DUNN, Mr. EVERETT, Ms. ROS-LEHTINEN, Mr. DOOLITTLE, Mr. THOMAS, Mr. WHITE, Mr. BOEHNER, Mr. CALLAHAN, Mr. BARRETT of Nebraska, Mr. TAYLOR of North Carolina, Mr. HILLEARY, Mr. COOKSEY, and Mrs. CHENOWETH) introduced the following bill; which was referred to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be sub-

sequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; SUPPLEMENTAL AUTHORIZA-**  
4                               **TIONS.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Iran Missile Protection Act of 1997”.

7       (b) AUTHORIZATIONS OF SUPPLEMENTAL APPRO-  
8       PRIATIONS.—All amounts authorized to be appropriated  
9       by this Act are authorizations of supplemental appropria-  
10      tions for the Department of Defense for fiscal year 1998.

11      **SEC. 2. FINDINGS.**

12      Congress makes the following findings:

13               (1) The United States has vital interests in the  
14      Middle East and Persian Gulf region.

1           (2) The United States maintains a force of ap-  
2           proximately 25,000 military personnel in the Middle  
3           East and Persian Gulf region.

4           (3) The United States has many allies and  
5           friends in the Middle East and Persian Gulf region.

6           (4) The policies of the current regime in Iran,  
7           including the export of terrorism and the pursuit of  
8           regional military hegemony, are inimical to the inter-  
9           ests of the United States and its allies and friends.

10          (5) Iran has been aggressively pursuing ballistic  
11          missile technology. According to a statement by the  
12          Vice President in August 1997, "It is obvious that  
13          there is a vigorous effort by Iran to obtain the tech-  
14          nologies that it needs to build a ballistic missile and  
15          to build nuclear weapons."

16          (6) The President, in Executive Order 12938,  
17          issued on November 14, 1994 and reaffirmed in No-  
18          vember 1995 and November 1996, declared a state  
19          of emergency, finding that "the proliferation of nu-  
20          clear, biological, and chemical weapons and of the  
21          means of delivering such weapons, constitutes an un-  
22          usual and extraordinary threat to the national secu-  
23          rity, foreign policy and economy of the United  
24          States . . ."

1           (7) Iran may achieve theater ballistic missile  
2 capabilities capable of striking United States forces,  
3 allies, and friends in the Middle East and Persian  
4 Gulf regions within one to two years. Department of  
5 Defense officials report that Iran is acquiring missile  
6 systems and technology from abroad and is develop-  
7 ing two ballistic missile systems. The Assistant Sec-  
8 retary of State for Near Eastern Affairs recently  
9 testified that Iran could complete development of its  
10 Shahab-3 missile in 12 to 18 months. This threat  
11 will grow over time as Iranian missile production ca-  
12 pability matures and missile ranges increase.

13           (8) The United States intelligence community  
14 confirms that Iran is achieving the capability de-  
15 scribed in paragraph (7) with substantial assistance  
16 from other nations, including Russia. The Central  
17 Intelligence Agency concluded that “Russia supplied  
18 a variety of ballistic missile-related goods to foreign  
19 countries . . . especially Iran.”

20           (9) Currently deployed missile defenses have  
21 been designed to meet shorter range, slower missile  
22 threats and are not adequate to meet the threat  
23 posed by Iranian ballistic missiles. The United  
24 States and its allies will be vulnerable to Iranian  
25 missiles after they become operational and until im-

1       proved United States and allied missile defenses are  
2       deployed.

3           (10) Current theater missile defense plans of  
4       the Department of Defense are inadequate to meet  
5       the state of emergency declared by the President.  
6       The Patriot Advanced Capability (PAC-3) and Navy  
7       Area Defense missile defense systems have limited  
8       capability against longer-range ballistic missiles. The  
9       more capable Theater High-Altitude Area Defense  
10      (THAAD) system and Navy Theater-Wide system  
11      are not scheduled to be deployed until well after the  
12      time by which it is expected that the Iranian missile  
13      threat will have matured.

14           (11) It is a matter of the highest national inter-  
15      est to minimize the vulnerability of United States  
16      forces, allies, and friends to this threat.

17   **SEC. 3. PURPOSE OF ACT.**

18       In light of the findings in section 2, an immediate  
19      national response to the emerging Iranian missile threat,  
20      consistent with the Presidential declaration of national  
21      emergency, is required and is in the highest national inter-  
22      est of the United States.

1 **SEC. 4. DETERMINATION OF EXTENT OF RUSSIAN CO-**  
2 **OPERATION WITH BALLISTIC MISSILE AC-**  
3 **TIVITIES OF IRAN.**

4 (a) COOPERATIVE PROJECTS WITH RUSSIA.—(1)

5 There is authorized to be appropriated \$2,000,000 for co-  
6 operative activities with Russia for determining and fur-  
7 nishing to the United States information on—

8 (A) the extent and technical specifics of co-  
9 operation and assistance by Russia in the develop-  
10 ment by Iran of a ballistic missile capability; and

11 (B) the technical nature of the Iranian missile  
12 threat.

13 (2) The amount appropriated pursuant to the author-  
14 ization in paragraph (1) may not be obligated until the  
15 President certifies to Congress that the United States and  
16 Russia have reached a satisfactory memorandum of under-  
17 standing concerning the information to be released by  
18 Russia described in paragraph (1) and the mechanism by  
19 which that information will be transferred from Russia to  
20 the United States.

21 (b) LIMITATION ON FISCAL YEAR 1998 COOPERA-  
22 TIVE BALLISTIC MISSILE DEFENSE PROJECTS.—(1) The  
23 amount described in paragraph (2) may not be obligated  
24 until the President determines, and certifies to Congress,  
25 that the Russian government is providing full cooperation  
26 to the United States and its allies in determining the in-

1 formation described in subsection (a)(1). Such a certifi-  
2 cation shall be submitted not later than 30 days after the  
3 date of such a determination. The President shall include  
4 with the certification a description of the basis for the  
5 President's determination.

6 (2) The amount referred to in paragraph (1) is the  
7 amount of \$3,000,000 appropriated for fiscal year 1998  
8 for Russian cooperative ballistic missile defense projects  
9 as part of the amount provided for that fiscal year for  
10 missile defense programs of the Ballistic Missile Defense  
11 Organization

12 **SEC. 5. DEPARTMENT OF DEFENSE MEASURES TO**  
13 **COUNTER IRAN BALLISTIC MISSILE THREAT.**

14 (a) ACCELERATION OF NAVY THEATER-WIDE MIS-  
15 SILE DEFENSE SYSTEM.—(1) The amount for the Navy  
16 Theater-Wide missile defense system described in para-  
17 graph (2) is hereby authorized and may be used to acceler-  
18 ate the development of that system through additional  
19 testing and risk reduction.

20 (2) The amount referred to in paragraph (1) is the  
21 amount of \$65,000,000 appropriated for the Navy Thea-  
22 ter-Wide missile defense system for fiscal year 1998 in the  
23 Department of Defense Appropriations Act, 1998, that is  
24 in excess of the amount authorized to be appropriated for

1 that system for fiscal year 1998 in the National Defense  
2 Authorization Act for Fiscal Year 1998.

3 (b) OTHER BALLISTIC MISSILE DEFENSE MEAS-  
4 URES.—There is hereby authorized to be appropriated for  
5 defense-wide research, development, test, and evaluation  
6 \$215,000,000, to be available as follows:

7 (1) \$20,000,000 for the Joint Composite  
8 Tracking Network to improve battle management  
9 and interoperability.

10 (2) \$15,000,000 for theater battle management,  
11 command, control, and communications (BM/C<sup>3</sup>) to  
12 validate the interoperability of the Army's Theater  
13 High-Altitude Area Defense (THAAD) ground-based  
14 radar and to accelerate the final phases of develop-  
15 ment leading to operational upgrade of the Aegis  
16 Spy-1 radar.

17 (3) \$5,000,000 for enhancement of integration  
18 activities associated with the capabilities for a rein-  
19 forced theater missile defense family of system archi-  
20 tectures oriented toward the threat in the Middle  
21 East and Persian Gulf region.

22 (4) \$35,000,000 for two Cobra Gemini radars  
23 to improve tracking and target discrimination.

24 (5) \$15,000,000 to accelerate the remote  
25 launch capability for the Patriot Advanced Capabil-



1       ity (PAC-3) missile defense system, including use of  
2       an existing prototype Theater High-Altitude Area  
3       Defense (THAAD) ground-based radar, to enlarge  
4       the area defended by that system.

5           (6) \$25,000,000 to be available for production  
6       enhancements for the PAC-3 system to accelerate  
7       operational deployment of PAC-3 systems.

8           (7) \$100,000,000 to be available for additional  
9       Theater High-Altitude Area Defense (THAAD) User  
10      Operational Evaluation System (UOES) missiles, to  
11      provide greater capability to defend against longer-  
12      range Iranian ballistic missiles under development.

13      (c) ADDITIONAL MEASURES.—There is authorized to  
14      be appropriated for military construction for the Air Force  
15      \$5,000,000 to be available for hangars and support facili-  
16      ties on Diego Garcia.

17      (d) LIMITATION.—Funds appropriated pursuant to  
18      the authorization in subsection (b)(7) may be obligated  
19      only after a successful THAAD intercept.

20      **SEC. 6. ISRAELI ARROW MISSILE DEFENSE SYSTEM.**

21      (a) ADDITIONAL UNITED STATES SUPPORT.—There  
22      is hereby authorized to be appropriated for defense-wide  
23      research, development, test, and evaluation \$110,000,000  
24      to be available for support of the Israeli Arrow tactical  
25      ballistic missile defense system, of which—

1           (1) \$20,000,000 is for production enhance-  
2       ments to accelerate deployment; and

3           (2) \$90,000,000 is for additional missiles in  
4       order to provide for greater territorial coverage.

5       (b) CONGRESSIONAL INTENT CONCERNING ARROW  
6       SYSTEM.—The authorization of appropriations for sup-  
7       port of the Israeli Arrow missile defense system under  
8       subsection (a) is a one-time authorization for the purpose  
9       of protecting a United States ally in imminent peril.

10   **SEC. 7. IMPLEMENTATION REPORT TO CONGRESS; FUND-**  
11                   **ING FLEXIBILITY.**

12       (a) REPORT.—Not later than 30 days after the date  
13       of the enactment of this Act, the Secretary of Defense  
14       shall submit to Congress a report on the Iranian ballistic  
15       missile threat in the Middle East and Persian Gulf re-  
16       gions. The report shall include a description of—

17           (1) the Secretary's plans for implementation of  
18       this Act, including the Secretary's plan for use of  
19       funds appropriated pursuant to the authorizations of  
20       appropriations in this Act; and

21           (2) such additional steps as the Secretary con-  
22       siders appropriate to meet the Iranian ballistic mis-  
23       sile threat, including an assessment of the funding  
24       implications of each of those additional steps.

1 (b) FUNDING FLEXIBILITY.—(1) If the Secretary of  
2 Defense intends to propose in the report under this section  
3 measures for the purpose of countering the ballistic missile  
4 threat posed by Iran that vary from the theater ballistic  
5 missile defense measures authorized in sections 5(b) and  
6 6 and the Secretary intends to propose (within the total  
7 amount authorized to be appropriated by those sections),  
8 authorizations that vary from the amounts authorized in  
9 those sections, the Secretary shall consult with the Com-  
10 mittee on Armed Services of the Senate and Committee  
11 on National Security of the House of Representatives con-  
12 cerning such proposals before the report is submitted.

13 (2) Alternative measures, and funding for those  
14 measures, described in paragraph (1) that are proposed  
15 by the Secretary in the report to enhance the performance  
16 or accelerate the development or deployment of theater  
17 missile defenses for the purpose of countering the ballistic  
18 missile threat posed by Iran shall be considered to be au-  
19 thorized by law for purposes of section 114(a) of title 10,  
20 United States Code.

○